IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SEVENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 15083 of 2004

Between:

Smt. D. Padma , W/o D. Srinivasa Rao,
R/o H.No. 3/16/802, Lalbazaar, Trimulgherry, Secunderabad.

..... PETITIONER

AND

1 The Circle Inspector of Police, Trimulgherry Police Station,

Secunderabad.
2 The Sub Inspector of Police, Trimulgherry Police Station,

Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Habeas Corpus and direct the first and second respondents to produce the petitioner's husband, Mr. Srinivasa Rao Petitioner's brother-in-law Mr. D. Manikyam both are the sons of D. Venkata Ramaiah and Mr.D.L. Sankara Rao S/o D. Laxman Rao who is the son the petitioner's elder brother-in-law , all are residents of H.No. 3/16/802, Lalbazaar, Trimulgherry, Secunderabad before this Hon'ble Court.

Counsel for the Petitioner:MR.KUMMATHI VENKATESULU

Counsel for the Respondents: The Advocate General

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

Petitioner filed this petition seeking direction against the respondents to produce her husband Srinivasa Rao, brother-in-law D.Manikyyam and D.L.Shankara Rao, son of her elder brother-in-law since according to the petitioner, the alleged detenus were under detention and the petitioner was not permitted to see them.

P.Raja Babu, Circle Inspector of Police, Trimulgherry Police Station, Secunderabad has filed affidavit stating that on the complaint received from one Mahender Kumar Jain on 5-8-2004 about the missing of his brother S.Mangilal Jain, Crime No.143 of 2004 was registered under the caption "man missing". During the investigation and the complainant expressing his doubts, the alleged detenus were enquired but not detained and it is stated that they were very much available at their residences. There is no restraint on their movements and though they have denied their involvement in the missing of Mangilal Jain, still the matter is under investigation.

Learned counsel for the petitioner states that the alleged detenus were illegally detained and he be permitted to file an affidavit to that effect.

In such like matters, where affidavit in support of the petition is filed declaring that whatever is stated in the affidavit is true to the knowledge and belief and information received, no further direction would be required to be issued more particularly in view of the reply affidavit filed by the respondent. The petitioner does not disclose the source of information and belief for the alleged allegations of alleged illegal detention.

Accordingly petition is dismissed with liberty reserved to the petitioner/detenus in case they are aggrieved, to take out appropriate proceedings in

accordance with law.

_____

DEVINDER GUPTA, CJ

27-8-2004

_____

C.V.RAMULU, J

Tvr

To

1 The Circle Inspector of Police, Trimulgherry Police Station,

Secunderabad.
2 The Sub Inspector of Police, Trimulgherry Police Station,

Secunderabad.

3 2 CCs to the Advocate General, High Court Buildings, Hyderabad

(OUT).

4 2 CD copies.